

Before the  
Administrative Hearing Commission  
State of Missouri



KRISTINA R. RAY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 13-0443 PO
	)	
DIRECTOR, DEPARTMENT OF	)	
PUBLIC SAFETY	)	
Respondent.	)	

**DECISION**

We dismiss Kristina R. Ray’s appeal because we have no jurisdiction to hear an appeal filed beyond the deadline set by statute.

**Procedure**

Ray filed a complaint on March 19, 2013 appealing the Director of the Department of Public Safety (“Director”) denial of her application to attend a basic training course. The Director filed a motion to dismiss on April 11, 2013. Because the motion to dismiss contains matters outside the pleadings, we consider it a motion for summary decision.<sup>1</sup> Ray filed her response on April 18, 2013.

**Findings of Fact**

1. Ray applied to participate in a peace officer basic training course.

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<sup>1</sup> Regulation 1 CSR 15-3.436(4)(A). References to “CSR” are to the Missouri State Code of Regulations, as current with amendments included in the Missouri Register through the most recent update.

2. On January 28, 2013, the Director denied Ray's application. This denial was sent to Ray on the same date by certified mail.

3. On January 31, 2013, Ray received the letter containing the Director's denial of her application.

4. On March 19, 2013, Ray's complaint appealing the Director's denial was filed with this Commission.

5. March 19, 2013 was more than 30 days after January 31, 2013.

### **Conclusions of Law**

We have jurisdiction over this type of case under § 590.100.3,<sup>2</sup> which provides:

Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission[.] ... Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

Ray did not meet this deadline because her complaint was not filed until we received it.<sup>3</sup> We have no jurisdiction to hear a complaint filed out of time.<sup>4</sup> If we have no jurisdiction to hear the complaint, we cannot reach the merits of the case and can only exercise our inherent power to dismiss.<sup>5</sup>

We grant the Director's motion and dismiss the complaint because we have no jurisdiction to hear it. We cancel the hearing set for June 26, 2013.

SO ORDERED on May 28, 2013.

/s/ Sreenivasa Rao Dandamudi  
SREENIVASA RAO DANDAMUDI  
Commissioner

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<sup>2</sup> Statutory references are to RSMo Supp. 2012 unless otherwise noted.

<sup>3</sup> Section 621.205. RSMo. 2000.

<sup>4</sup> *Community Fed. Sav. & Loan Assoc. v. Director of Revenue*, 752 S.W.2d 794, 799 (Mo. banc), *cert. denied*, 488 U.S. 893 (1988).

<sup>5</sup> *Oberreiter v. Fullbright Trucking*, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000).